

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 5 and 9 have been cancelled. Accordingly, claims 1-4, 6-8 and 10-18 remain pending in the application.

Applicants appreciatively note that claims 7 and 14-18 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph. Applicants have not included the limitations of the allowable subject matter of claims 7 and 14-18 into claim 1 pending the allowance of independent claim 1.

Claims 5 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, and are further rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In response, claims 5 and 9 have been cancelled. Therefore, the rejection of claims 5 and 9 is moot.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, claims 1-3 and 7 have been amended and are now believed definite. More specifically, the phrase "giving, from the intensified image" included translation errors, and is now replaced by "configured to receive an intensified image"; the phrase "said weapon including a sight camera whose optical axis is parallel to the axis of its barrel, for providing a first collimated image" included typographic errors and has been cancelled. Accordingly, the rejection of claims 1-18 under 35 U.S.C. 112, second paragraph should be withdrawn,

Claims 1-4, 6, 8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmeli (434) inview of Isbell et al. (821). Applicants respectfully traverse this rejection for the reasons discussed below.

As recited in claim 1, the aiming sight comprises two optical channels providing simultaneously (by semireflecting plate) two collimated intensified images with a common image intensifier without a sight camera (See Figure 1 of our drawings) and the sight camera is mounted on a weapon.

Carmeli discloses an adapter for an optical eyepiece, which includes two optical channels giving simultaneously, with a common image intensifier, a first collimated image and a second not collimated image for a sight camera (See Figure 1b and Figure 2). However, as recited in claim 1, the first channel provides a first collimated image to a sight camera; the second channel provides a second collimated image to an eyepiece. In addition, Carmeli discloses that the sight camera is mounted on an adapter for an optical eyepiece and not on a weapon.

Isbell discloses an aiming sight comprising a night channel and a day channel. The output to the eyepiece can be switched by flip-flop mirrors 100 and 250 between the night channel and the day channel. However, the night channel and the day channel do not work simultaneously, and only one collimated image can be intensified. In addition, Isbell fails to disclose an aiming sight connected to a sight camera or an aiming sight including a sight camera.

Based on the above reasons, Carmeli and Isbell, even if they can be combined, fail to disclose or suggest an aiming sight comprising two optical channels giving simultaneously two collimated intensified images without a sight camera and a weapon with only a sight camera when the aiming sight is not mounted on the weapon. Therefore, the obviousness rejection of claim 1 should be withdrawn.

Claims 2-4, 6-8 and 10-18 recite additional, important limitations and should be patentable for the reasons discussed above with respect to claim 1 as well as on their own merits.

All objections and rejections having been addressed Applicant's respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**



Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
**Date: January 16, 2008**  
**KMB/SY/cac**